



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Harley Sadler
House of Representatives
Austin, Texas

See V-206 for change in fact situation.

Dear Sir:

Opinion No. 0-6522
Re: Could the unexpended balance of the Congressional Appropriation for the Texas Centennial be used to apply on the purchase price of the French Embassy, Austin, Texas? And a related question.

We have your letter of recent date, reading as follows:

"As Chairman of the Sub-committee to investigate the proposed purchase of the French Embassy here in Austin, I have been informed that the \$24,000 unexpended balance of the Congressional Appropriation for the Texas Centennial will be available to apply on the purchase price of the Embassy.

"Mr. Morgan, the Chairman of the Appropriations Committee as a whole, has requested our sub-committee to bring before it some evidence that this money could be used for this purpose, as well as what procedure would be necessary for the release of the money to the Daughters of the Republic.

"Two years ago some agency tried to secure this money and if I remember correctly we were informed at that time that while this money was allocated to the State of Texas it could not be released except by Congressional action.

Honorable Harley Sadler, page 2

"I know your office is busy and I hate to have to request this favor, however, we have to report back to the committee as soon as possible. I will appreciate this information at the earliest possible convenience. * * *

Section 6 of House Bill No. 11, Chapter 174 of the Regular Session of the 44th Legislature (1935) provides:

"All expenditures and contracts authorized by the Commission of Control shall be made, let, supervised and expended by the Board of Control, according to all legal requirements now provided as to the expenditure of funds and the letting of contracts by said Board of Control."

The Commission of Control was an agency created and set up by the Legislature under the provisions of Section 3 of Chapter 174, Acts of the Regular Session of the 44th Legislature; its purpose having been fulfilled it has passed out of existence, and there is at this time no agency with authority to authorize expenditures and contracts against the Centennial funds.

The \$24,000 mentioned in your letter is part of a Federal Appropriation and could have been used for the purchase of the French Embassy if it had been so allocated by the Centennial Commission or by the Commission of Control during the existence of these bodies, but not having been so allocated, it is our opinion that same cannot be so expended at this time until released by Congress.

Section 7 of Senate Joint Resolution 131 reads, in part, as follows:

"Sec. 7. The sum of \$3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and shall remain available for the purposes of this joint resolution and any unexpended balances shall be covered back into the Treasury of the United States. * * *

Honorable Harley Hadley, page 3

The money could not be released to the Daughters of the Republic. An Act of the Legislature attempting to do that would be in violation of Article 3, Section 51 of the Constitution which provides that "the Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever * * *." If Congress should release the money for the purpose of purchasing the French Embassy the title would have to be taken in the name of the State of Texas, but the supervision and control of the Embassy may be delegated by the Legislature to the Daughters of the Republic.

However, the Legislature may now appropriate this fund for the purpose of purchasing the French Embassy, conditioned upon its release by Congress for said purpose.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

C. F. Gibson
C. F. Gibson
Assistant

APPROVED APR 18 1945

Carl E. [unclear]
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

CFO:KF

